

13 AUGUST 1946

I N D E X
of
WITNESSES

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I N D E X
of
EXHIBITS
(none)

1 Tuesday, 13 August, 1946

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before.

14 For the Prosecution Section, same as before.

15 For the Defense Section, same as before.

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19 (English to Japanese and Japanese
20 to English interpretation was made by the
21 Language Section, IMTFE.)
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GOETTE

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except OKAWA, MATSUI and HIRANUMA, each of whom is
5 represented by counsel. I have a certificate from
6 the assistant prison surgeon of Sugamo Prison, cer-
7 tifying that HIRANUMA is under treatment for a
8 certain physical trouble. This certificate will be
9 recorded and filed.

10 Mr. Chief Prosecutor.

11
12 J O H N G O E T T E, called as a witness on be-
13 half of the prosecution, resumed the stand
14 and testified as follows:

15 DIRECT EXAMINATION (Continued)

16 BY MR. KEENAN:

17 Q Were you at Paoting Fu?

18 A I was.

19 Q Did you have a conversation there in the
20 presence of the American Military Attache with
21 Japanese officers?

22 A In the autumn of 1937 I went to Paoting Fu,
23 accompanied by the Japanese Army military spokesman,
24 and General Stilwell, American Military Attache,
25 and other European military attaches. In an

GOETTE

DIRECT

1 official statement from the Japanese Army there
2 we were told that ten thousand Chinese soldiers
3 had been killed in a single battle of Paoting Fu.

4 Q When was that statement made?

5 A That was approximately October, 1937.

6 Q Can you state to the Tribunal the number
7 of Japanese officers of the rank of general, with
8 whom you conversed from the date of the Marco Polo
9 Bridge attack until 1941?

10 A By actual count it is more than forty.
11 Some of those general officers held the position of
12 Minister of War in their Tokyo Cabinet.

13 Q How many of them held the position of
14 War Minister in the Japanese Cabinet, and will you
15 name them?

16 A As I recall it, I would say General
17 TERAUCHI, General SUGIYAMA and General ITAGAKI.

18 Q Were they present in Japan and leading and
19 in charge of Japanese troops during the period
20 mentioned?

21 A Those general officers ranged from Commander
22 in Chief of the North China Army, Japanese Army,
23 down to divisional commanders at the fighting front,
24 where I talked with them.

25 Q Can you name some of the other high

GOETTE

DIRECT

1 ranking, better known Japanese Army generals, with
2 whom you talked in China during the military
3 operations of Japan there?

4 A The late General HOMMA, the late General
5 YAMASHITA, General IMAMURA and AIDA, and many others
6 whom I cannot recall.

7 Q In your discussion with the Japanese
8 officers did they state their military purposes?

9 A The military aim of the Japanese Army, as
10 reiterated to me by such Japanese officers, was not
11 so much the acquisition of territory as the
12 annihilation, smashing and killing of Chinese
13 Nationalist Armies.

14 Q Were you in Shansi Province, and if so
15 when and what did you see?

16 A I was in Shansi Province several times
17 during the years 1938, '39 and '40. There I talked
18 with British and American missionaries, who re-
19 ported that Chinese Christians were persecuted
20 because they went to these Christian chapels. Two
21 British missionaries were given severe prison sen-
22 tences by the Japanese Army because they took into
23 their mission hospitals wounded Chinese soldiers.
24 British and American missionaries reported to me
25 many cases of rape by the Japanese Army of Chinese

GOETTE

DIRECT

1 woman. The formal demand by the Japanese Army
2 on local Chinese officials to provide women for
3 the use of the Japanese Army was a commonplace
4 thing; it was commonly accepted by the Chinese
5 officials and by the Japanese Army. At Taiyuan Fu,
6 the capital of Shansi Province, the Japanese Army
7 had erected a war memorial to their dead above the
8 main city gate. Every Chinese passing through that
9 city gate was forced to leave a motor car, cart or
10 ricksha; in other words to walk under the gate in-
11 stead of riding, in tribute to that Japanese war
12 monument.

13 Q Can you tell us about the New Peoples
14 Society, or the East Asia Society; what they were
15 and what their functions were?

16 A In North China the Japanese Army and the
17 Japanese civilians formed what was called the
18 Hsin-min-hui, or New Peoples Society. In Central
19 China it was the Tong-ya-hui, or East Asia Society.
20 These two were wide scale propaganda organizations,
21 whereby an attempt was made to regiment the masses
22 of the Chinese people. They staged victory parades,
23 that is, victory of the Japanese Army, in which
24 even the youngest school children, four, five and
25 six years old, were forced to march, with their

GOETTE

DIRECT

1 teachers, shopkeepers and laborers and any Chinese
2 that could be forced into those processions. The
3 processions or parades usually ended in a mass
4 meeting, which was finished with the Japanese cry
5 of "Banzai," which is not Chinese. One such mass
6 meeting was reported in the newspaper owned by the
7 Japanese Army in Peiping. There was a photograph
8 of this mass meeting and in the next column to that
9 photograph was a story with headlines proclaiming
10 that twenty thousand Chinese soldiers had been
11 killed in the fall of one North China city.

12 Q Was that, if you know, a Japanese or
13 Chinese controlled newspaper?

14 A That newspaper was controlled completely
15 by a Japanese Army officer of the press section of
16 the North China command.

17 Q And what was the situation with reference
18 to control of the newspapers in general and the
19 control of the radio in the areas you have traveled
20 through during those war periods?

21 A Every radio station was not only controlled
22 by the Japanese, but actually operated, that is, the
23 main officials were all Japanese, with Chinese in
24 minor positions. The newspapers, of course, were
25 thoroughly controlled and under the thumb, direction

GOETTE

DIRECT

1 and eye of the Japanese Army. Every news agency
2 was likewise under Japanese control.

3 Q Was that part of your work, to make such
4 investigations for the determination of facts of
5 that nature?

6 A It was.

7 Q Reverting to the processions of the
8 Chinese youth and workers and others, when did they
9 take place with reference to Japanese victories.

10 A They were deliberately planned in advance.
11 When the Japanese officials realized that the fall
12 of a major Chinese city was imminent they laid their
13 plans and sometimes even announced the dates when
14 the processions and mass meetings would be held to
15 celebrate that particular Japanese victory.

16 Q What did you observe, if anything, with
17 reference to the Chinese schools and the use that
18 was made of them, and any changes in the method of
19 teaching or the like, very briefly?

20 A Many Chinese colleges particularly were
21 destroyed by Japanese bombing, according to the
22 Chinese. I saw the bombed places, such as Peiyang
23 University at Tientsin. Other colleges and schools
24 were used as barracks by the Japanese Army, or, in
25 the case of the National University at Peiping, as a

GOETTE

DIRECT

1 torture chamber by the military police or Kempeitai.
2 At Peiping there is Ching-hua University, founded
3 by remitted American-Boxer indemnities. When the
4 Japanese Army occupied that a large gymnasium, known
5 as Roosevelt Hall, was filled with Japanese cavalry
6 horses.

7 Q Was there a change in the teaching force
8 or any of the matters that were taught in the
9 schools that you observed?

10 A Japanese teachers were forced on every
11 major school and college. The English language was
12 forbidden to be taught and Japanese was taught in
13 its place. Text books were revised and printed in
14 Japan for use in China.

15 Q Did you have a conversation with SHIRATORI,
16 Toshio, and if so please tell us the place and
17 date and the substance of the conversation?

18 A That was at Peiping some time, I think, in
19 the year 1940. We discussed the Co-Prosperity
20 Sphere. I talked about what I had seen happening
21 and Mr. SHIRATORI referred to certain Chinese as
22 being sincere, in other words, that they were
23 willing to cooperate with the Japanese. When I
24 said the Japanese were at fault for misusing the
25 English language in describing such events,

GOETTE

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1 Mr. SHIRATORI said no, the fault laid with us, what
2 we needed was a new English language dictionary more
3 n conformity with the concepts of Greater East Asia.
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1 Q Did you have a coversation with SUZUKI,
2 Teiichi?

3 A I did, here in Tokyo on September 27, 1939.
4 I raised the question of the Chinese with whom the
5 Japanese army was working, and General SUZUKI said
6 that they admitted they could not get Generalissimo
7 Chiang Kai-shek to their side; therefore, the war
8 against China would go on.

9 Q Was there evidence of regimentation of
10 other people that you observed during that period,
11 other than the Chinese?

12 A In the case of the large White Russian popu-
13 lation in North China, those White Russians had Chinese
14 passports which were immediately declared invalid by
15 the Japanese army in the occupied areas. Thereupon,
16 the Japanese army created in each major city an insti-
17 tution known as Russian House to which every White
18 Russian had to apply for new papers. At the head of
19 each Russian House was a Japanese army officer.

20 Under threat of losing their papers each
21 White Russian was forced to contribute a certain sum
22 monthly to his particular Russian House. In addition
23 to that the male members of the White Russian community
24 were forced to join a military organization, they were
25 uniformed, they were armed and they were drilled under

GOETTE

DIRECT

1 Japanese military supervision.

2 Q Was there evidence of the Kempei-Tai during
3 the period that you have described in China?

4 A I personally observed very far-reaching activ-
5 ities of the Kempei-Tai in occupied North China.

6 MR. KEENAN: If the Court please, that ter-
7 minates the direct examination of this witness, except-
8 ing reference to another phase having to do with the
9 economic aggression with the war movement in Japan.
10 And with the permission of the Court we would ask to
11 suspend the direct examination to cross-examination
12 on this period and these matters testified to by this
13 witness, so that Mr. Hauxhurst, who has a few questions
14 to ask with reference to the phase under his direc-
15 tion -- following the same procedure as the former wit-
16 ness, Mr. Powell, if it is agreeable to the Court.

17 THE PRESIDENT: What have the defense to
18 say about it?

19 Mr. Mattice.

20 MR. MATTICE: If the Tribunal please, as near
21 as I can ascertain there appears to be no objection on
22 the part of the defense to the program suggested.

23 THE PRESIDENT: Yes. That course may be
24 followed, Mr. Chief Prosecutor.

25 MR. KEENAN: I understand the witness is

GOETTE

DIRECT

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21 as I can ascertain there appears to be no objection on
22 the part of the defense to the program suggested.

23 THE PRESIDENT: Yes. That course may be fol-
24 lowed, Mr. Chief Prosecutor.

25 MR. KEENAN: I understand the witness is

GOETTE

CROSS

1 available for cross-examination on the matters which
2 he has testified to in these questions that have been
3 asked so far.

4 THE PRESIDENT: Is there any cross-examination
5 on this phase?

6 Mr. Mattice.

7 MR. MATTICE: If the Tribunal please, my name
8 is Mattice, on behalf of the accused ITAGAKI and
9 MATSUI.

10 CROSS-EXAMINATION

11 BY MR. MATTICE:

12 Q Mr. Goette, in testifying here have you done
13 so entirely from memory, or have you refreshed your
14 recollection from any notes or memoranda which you may
15 have?

16 A Chiefly from memory, with occasional refresh-
17 ing.

18 Q The memoranda which you may have used in giving
19 your testimony here, is it memoranda which you pre-
20 pared at the time, or since that time?

21 A All facts were taken directly from my diary
22 and from these typewritten records which I made at
23 the time, from time to time, chronologically.

24 Q Some of it then was typewritten, some of it
25 handwritten?

GOETTE

CROSS

1 A Yes. That is correct.

2 Q Any of the memoranda before you while you
3 were testifying prepared by anyone else than yourself?

4 A The memorandum was actually not typed by
5 myself, naturally.

6 Q Well, the memorandum that was typed by some-
7 one other than yourself, where was that done?

8 A It was typed in the International Prosecution
9 Section.

10 Q Did you dictate it?

11 A It is based on my own original memorandum
12 at the time.

13 Q My question was, did you dictate it?

14 A The facts were taken from my memorandum which
15 I wrote as I worked and discussed the case with
16 Mr. Keenan.

17 Q My question still is, did you dictate it
18 or did someone else?

19 A The memorandum was jointly dictated by
20 Mr. Keenan and myself.

21 Q And when Mr. Keenan was interrogating you,
22 perusing as he did so a typewritten sheaf of papers
23 which he had in his hand, tell this Tribunal whether
24 you didn't have a copy of that same instrument before
25 you as you gave your testimony.

GOETTE

CROSS

1 A I did.

2 Q Now, Mr. Goette, with respect to the testimony
3 which you have given here, as indicated by yourself,
4 many of the matters related by you were matters con-
5 cerning which you had no personal knowledge; is that
6 not so?

7 A I did not witness every event about which I
8 have spoken.

9 Q Generally speaking, with respect to the many
10 things you have testified about here, what percentage
11 of them would you **say you witnessed and what per-**
12 centage of them **you were informed** about by some other
13 person, just generally speaking?

14 THE PRESIDENT: The Tribunal does not want
15 those percentages. They would not give us any assis-
16 **tance.** The witness made it very clear when he was
17 speaking from hearsay.

18 Q Now, there was a time, you said -- I believe
19 it was August 31, 1937 -- when you had an interview
20 with General ITAGAKI in which you asked him if the
21 Chinese forces might turn south toward the Yellow
22 River. What was his reply?

23 A I asked if the Japanese forces might turn
24 south to the Yellow River. His reply was, "That is
25 possible."

GOETTE

CROSS

1 Q Mr. Goette, what was the period of time
2 during which you talked to a number of Japanese mili-
3 tary officials? What was the period?

4 THE PRESIDENT: I am sure he cannot answer
5 that question. No witness could.

6 MR. MATTICE: Mr. Keenan's question addressed
7 to this witness in respect to that matter named a
8 period of time.

9 THE PRESIDENT: It can be given half a dozen
10 different meanings. And no answer will be of any
11 assistance.

12 Q Was General ITAGAKI in China during all of the
13 period within which period you had these conversations
14 with various Japanese military officials?

15 A I do not know.

16 Q Do you know, as a matter of fact, that he was
17 in command at Hiroshima in Japan from March 1, 1937, to
18 August of that same year?

19 A My first knowledge of General ITAGAKI is
20 August 31, 1937, at Huailai.

21 Q Do you know what period of time General MATSUI
22 as in China during the events which you have men-
23 tioned here, or whether he was there at all or not?

24 A I have no personal information or knowledge
25 about General MATSUI.

GOETTE

CROSS

1 Q You never talked to General MATSUI, then?

2 A I never did.

3 MR. MATTICE: That is all, if the Court please.

4 THE PRESIDENT: Major Furness.

5 CROSS-EXAMINATION (Continued)

6 BY MR. FURNESS:

7 Q Mr. Goette, you testified that during the
8 twenty years you were in China you visited the Japanese
9 Embassy at Peiping on many occasions. Now, during
10 most of that time is it not true that the Japanese
11 Legation was in Shanghai and that there were only
12 chancelleries in Peiping and Nanking?

13 A The legations or embassies, that is, the
14 diplomatic missions in Peiping, were continued to be
15 called embassies right to 1941.

16 THE PRESIDENT: The Court will now recess
17 for fifteen minutes.

18 (Whereupon, at 1030, a recess was
19 taken until 1050, after which the proceedings
20 were resumed as follows:)

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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 THE PRESIDENT: Major Furness.

4 MR. FURNESS: I request that the last
5 answer be read back.

6 (Whereupon, the last answer was
7 read by the official court reporter as
8 follows:)

9 "A The legation or embassies, that is, the
10 diplomatic missions in Peiping, were continued to
11 be called embassies right to 1941.

12 BY MR. FURNESS (Continued):

13 Q But, during this period regarding which you
14 testified, most of the Powers which maintained le-
15 gations or embassies at Peiping also maintained le-
16 gations and embassies at Shanghai and Nanking, did
17 they not?

18 A That is true, but the various ambassadors
19 moved back and forth.

20 Q Now, you testified that you remained in
21 Peiping after the Manchurian Incident to cover the
22 headquarters of Marshal Chiang Hsueh-liang because
23 of possible negotiations at that time. Now, at that
24 time, is it not true that Manchuria and the area
25 around Peiping were under the control of the Marshal

GOETTE

CROSS

1 and that the area was of a sufficiently autonomous
2 area to carry on direct negotiations with Japan on
3 matters which lay at the root of the conflict? I
4 am quoting from the Lytton Report.

5 THE PRESIDENT: I suggest that you put that
6 question again in about a tenth of the words. I
7 think that without any introduction at all you could
8 get from him in a short question what you want.

9 Q At the time of the Manchurian Incident, is
10 it not true that Manchuria and the area around
11 Peiping were of a sufficiently autonomous area to
12 carry on direct negotiations with Japan on matters
13 which lay at the root of the conflict?

14 A As I have said, Marshal Chiang Hsueh-liang
15 was Deputy Commander-in-Chief of the Nationalist
16 Armies of China. However, there were local matters
17 discussed between the Chinese -- competent Chinese
18 officials and the Japanese. At the time of the
19 Mukden Incident there was a joint Sino-Japanese
20 Claims Commission meeting.

21 Q And negotiations such as that were carried
22 on directly with the young Marshal rather than
23 referred to the Central Government?

24 A They were discussions of local problems,
25 not negotiations.

GOETTE

CROSS

1 Q Then you do not agree with the statement in
2 the Lytton Report that this region was a sufficiently
3 autonomous area to carry on direct negotiations with
4 Japan on matters which lay at the root of the Man-
5 churian conflict?

6 A That to me is a matter of speculation rather
7 than event, and I was dealing with event and actual
8 happening of fact.

9 Q Do you agree with the conclusion of the
10 Lytton Committee or not?

11 A It has been so long since I read the Lytton
12 Report that I couldn't say whether I agree or not
13 at this moment.

14 Q You testified that when you visited Tientsin
15 about November 20, 1931 you interviewed Chinese
16 police and army officials about what had happened.
17 Did you also try to get any information from Japanese
18 sources?

19 A I spoke to the Japanese Consul General in
20 Tientsin.

21 Q Then what did he tell you?

22 A Always the general answer, "The situation
23 is confused, and we are watching for what might
24 happen."

25 Q Did he tell you the incident was the result

GOETTE

CROSS

1 of a Chinese factional fight and that the Japanese
2 forces had to open fire?

3 A He did not.

4 Q Again quoting from the Lytton Report, is
5 it not true that the entire affair was very obscure?

6 THE PRESIDENT: Well, subject to what all
7 my colleagues may think, I do not think any opinion
8 of his will add to or take from the weight of any
9 findings by Lord Lytton's Commission.

10 MR. FURNESS: I withdraw the question.

11 Q Now, this Tientsin Incident was settled by
12 withdrawal of Chinese troops from the neighborhood of
13 the Japanese concession, was it not?

14 A The Japanese probably insisted that the
15 Chinese be so removed from that area.

16 Q And they were withdrawn from that area,
17 were they not?

18 A I have no personal knowledge of that.

19 Q The Japanese troops were not brought into
20 Tientsin on this occasion, were they?

21 A There was a permanent garrison of Japanese
22 Army troops there at the time.

23 Q And they were there under treaty right, and
24 no other Japanese troops were brought in, were they?

25 A They were there by treaty right, and if you

GOETTE

CROSS

1 mean within the next short while, a few weeks, that
2 is probably true.

3 Q I mean as a result of that incident.

4 A Not to my knowledge.

5 Q Now, you say you arrived in Nanking on the
6 31st of January and that you saw five Japanese war-
7 ships in the river. There were warships of other
8 nations in the river at that time as well as Japan-
9 ese, were there not?

10 A I personally only remember American war-
11 ships.

12 Q Now, the Japanese and the Americans and
13 other nations had the right to bring warships -- had
14 the right under treaty to bring warships upriver,
15 did they not?

16 A Yes.

17 Q Now, were the Japanese ships already an-
18 chored when you saw them?

19 A It takes the ferry boat approximately one
20 half hour to cross from Pukow to Nanking. When I
21 first saw the Japanese warships, they were still in
22 motion. As we crossed the river, I actually saw them
23 drop anchor, as I have said.

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1 Q What sort of ships were they?

2 A I would remember small destroyers, possibly
3 river gun boats.

4 Q You did not learn of the shelling until after
5 you had left Nanking, did you?

6 A I learned of it on my arrival in Shanghai
7 the next evening.

8 Q That was on February 1st or 2nd?

9 A February 1st.

10 Q And the shelling occurred on the morning of
11 February 1st, did it not?

12 A That is right.

13 Q You did not know whether the Japanese ships
14 moved after you saw them and whether they were under
15 way at the time of the shelling, do you?

16 A I do not.

17 Q Do you know what was the occasion of the
18 shelling?

19 A I had no direct recollection of that because
20 the story was covered by an International News Service
21 correspondent at Shanghai.

22 Q And you do not know whether the Chinese fired
23 from the forts on Japanese refugees, the Japanese
24 Consul, and the ships returned fire?

25 A I never heard at any time that there were

GOETTE

CROSS

1 Japanese refugees on board ships or anywhere con-
2 centrated at Nanking at that time.

3 Q Here appears in the documents and ledgers
4 the Japanese stories reported in the Lytton Report.
5 Not more than eight shells in all were fired, even
6 under the story by the Chinese, were there?

7 THE PRESIDENT: It is going to take very
8 powerful evidence to impair the findings in the
9 Lytton Report, Major Furness.

10 You will not hear me without your earphones.

11 I know it is going to take very powerful
12 evidence to impair any findings in the Lytton Report.

13 MR. FURNESS: I withdraw it. The part of
14 the Lytton Report which I have been quoting was not
15 a part which was read by the prosecution, if your
16 Honor please.

17 THE PRESIDENT: But the whole of it is in
18 evidence, and you can use it. However, you may think
19 that you have to have the Lytton Report contradicted
20 or confirmed by this witness. To me it appears to be
21 a waste of time.

22 Q There were no casualties, were there?

23 A I was not present in Nanking; I didn't write
24 the story, and I have no recollection whatsoever except
25 that I was told that the ports had been shelled.

GOETTE

CROSS

1 Q As to the first Shanghai Incident: This
2 Japanese landing force was a force of less than
3 1,000 men, was it not?

4 A I have no way of knowing those direct
5 figures.

6 Q Would you say it was about a 1,000 men?

7 A It would be an estimate, if they followed
8 the practices of the other Allied Powers there.

9 Q Japan was within its treaty rights in
10 garrisoning such a landing party in Shanghai, was
11 it not?

12 A That is so.

13 Q This 19th Route Army of the Chinese was
14 a Cantonese Army, was it not?

15 A The Commander, General Tsai Ting-Kai, was
16 a Southerner; I don't know which province he came
17 from.

18 Q Was not the army, as most Chinese Armies are,
19 of a territorial nature, and was it not Cantonese?

20 A There again it came from somewhere in the
21 South. I have no way of knowing what each individual
22 Chinese soldier was.

23 Q And the Commander of this army and the army
24 itself was not under the complete control of the
25 Central Government of Chiang Kai-shek, was it?

GOETTE

CROSS

1 A I could not testify to his relations with
2 the national government of China, but I might observe
3 that there his army was within a few hundred miles of
4 Nanking -- of the Government -- so, therefore, the
5 national government did have control of it.

6 Q All the fighting took place in the confined
7 area around Chapei -- the Chinese walled city -- and
8 the country down to the Wusong Forts, did it not?

9 A That was the early fighting. Gradually,
10 the Chinese forces were pushed out many, many miles
11 away from that perimeter?

12 Q About seven or eight miles?

13 A The Japanese Army, when it turned the flank
14 and finally defeated the Chinese Army, actually landed
15 many, many miles from Shanghai on the Yangtze River.

16 Q How many miles?

17 A I can only estimate by my own experience of
18 having gone in that direction, perhaps as much as
19 two hours in a motor car.

20 Q After the Chinese forces were driven back
21 the Japanese forces remained within well-defined
22 lines and did not push on into China, did they?

23 A That is true.

24 Q You testified that the fighting ended in
25 mid-March. On March 4 the Japanese authorities had

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1 notified the Chinese through the British Minister
2 that they were willing to negotiate on the basis
3 proposed by the Assembly of the League of Nations,
4 did they not?

5 A I don't recall those exact details because
6 my work was with the army. We had four other corre-
7 spondents who handled various phases.

8 Q When did you leave Shanghai and return to
9 Peiping?

10 A Approximately March 15, 1932.

11 Q And even at that time the Japanese forces
12 had started to withdraw, had they not?

13 A That is true.

14 Q Since you left Shanghai, about two months
15 before the truce agreement was signed on May 5, 1932,
16 you then have no personal knowledge of the negotiations
17 which led up to that truce agreement, have you?

18 A None.

19 Q You testified regarding the shelling of
20 Chinese areas in the city by the Japanese. Chinese
21 troops also shelled Japanese officials and private
22 buildings, and ships in wharves, and dropped mines
23 in the river, did they not?

24 A Shanghai was thrown into a state of war when
25 those things took place.

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1 Q You also testify that the Wusong force
2 did not return fire when they were shelled by Japanese
3 destroyers. Now there is no doubt, is there, that
4 Chinese troops were in these forts and did not surrender
5 when shelled?

6 A That is true.

7 Q Prior to the outbreak of fighting in Shanghai
8 there was violent anti-Japanese agitation in Shanghai
9 and throughout North China, was there not?

10 A I cannot speak personally for Shanghai.
11 In North China there was not violent anti-Japanese
12 demonstrations.

13 Q There was agitation, however, was there not?

14 A There was a limited amount of student demon-
15 strations.

16 Q That was true, even after the Manchurian
17 Incident, was it?

18 A I thought we were referring to the period
19 after the Manchurian Incident both in Shanghai and
20 North China.

21 Q But they remained only student demonstrations
22 even after that, did they, even after the Manchurian
23 Incident?

24 A Well, there were no demonstrations before
25 the Manchurian Incident.

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1 Q Now, at the time that the fighting broke
2 out in Shanghai there were about 30,000 Japanese
3 nationals resident in Shanghai and vast property
4 interests -- shipping, textile mills, et cetera --
5 were there not?

6 A That could be a fair statement, but I have
7 no figures whatsoever on the subject.

8 Q In January, 1927, the British landed forces
9 in Shanghai in order to protect their nationals, did
10 they not?

11 A They were there in 1927. I don't know whether
12 they landed in January or not.

13 Q They landed them sometime in 1927.

14 MR. KEENAN: If the Court please, I dislike
15 to object -- to interrupt with an objection -- but I
16 do not see the pertinency of this inquiry in any event,
17 and certainly it has nothing to do with what this wit-
18 ness testified to in direct examination. Therefore, I
19 object to it as being improper cross-examination.

20 MR. FURNESS: I think, sir, it is a precedent
21 for what happened on the matters regarding which he is
22 testifying, and, therefore, proper.
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1 THE PRESIDENT: It does not properly arise
2 out of the examination in chief.

3 MR. FURNESS: No further questioning -- just
4 one question.

5 Q At the time of the Manchurian Incident
6 Mamoru SHIGEMITSU was Minister to China, not Consul
7 General at Shanghai, was he?

8 A I know that during the Shanghai Incident,
9 that is, February, 1932, Mr. SHIGEMITSU was the
10 **Ambassador.**

11 Q And the Consul General was Mr. MURAI, was
12 he not?

13 A That is correct, sir.

14 MR. FURNESS: No further questions.

15 MR. HAYASHI: I am HAYASHI, Itsuro, counsel
16 for the defendant, HASHIMOTO, Kingoro.

17 CROSS-EXAMINATION (Continued)

18 BY MR. HAYASHI:

19 Q How many were the number of Japanese troops
20 who were to take part in the maneuvers on the night
21 of the 7th of July, 1937, according to the story
22 told by Colonel Stillwell to you, Mr. Witness?

23 A I did not testify that Colonel Stillwell
24 told me the story. The report was mentioned at
25 dinner that the Japanese Embassy Guard at Peiping

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1 intended to hold night maneuvers. At that time
2 the Embassy Guard perhaps was under six hundred.
3 I have no direct information on that.

4 Q Where did Colonel Stillwell get the inform-
5 ation concerning the maneuvers from, according to
6 the story he told you?

7 THE PRESIDENT: He did not tell him,
8 according to the witness, so that question is
9 based on a misapprehension.

10 MR. HAYASHI: Then I will put another
11 question.

12 Q Did the Japanese commander that you inter-
13 viewed outside Wangping -- outside the walled city
14 of Wangping -- on the 8th of July, in an attempt to
15 get information from him speak English?

16 A He did not. He spoke Chinese as did
17 Colonel Barrett, Mr. Steele and I.

18 Q Was the truce agreement concerning
19 Lukouchiao Incident reached on the 7th of July?

20 THE MONITOR: "9th of July."

21 A I presume that is the case because during
22 the armistice on the 10th I was in Wangping.

23 Q Was that agreement concluded between
24 MATSUI and Chin Teh-chun?

25 THE MONITOR: "Generals MATSUI and Chin

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1 Teh-chun."

2 A Oh, General Chin Teh-chun -- oh, the
3 mayor of Peiping -- I don't recall with whom it
4 was made. It was made with the respective Japanese
5 and Chinese authorities in the city of Peiping and
6 not at Wangping.

7 Q Mr. Witness, do you know the contents of
8 the agreement -- the said agreement?

9 A No, I do not know.

10 Q Then, Mr. Witness, you have not made any
11 inquiries at all concerning incidents which occurred
12 between China and Japan between 10th of July and 7th
13 of August, 1942?

14 THE MONITOR: "Of the year."

15 A I didn't have to make inquiries. I watched
16 the Japanese Army in action during those days. I
17 watched the shelling of the outskirts of Peiping.

18 Q Was the fighting that you witnessed person-
19 ally the one which broke out on the 8th of July?

20 A At Wangping, that is true.

21 Q Where were you, Mr. Witness, on the 26th
22 of July the same year?

23 A At Peiping.

24 Q Then are you aware of an incident which
25 happened at Kuang An Men in Peiping?

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CROSS

1 A I was present.

2 Q Was this incident a result of an illegal
3 attack by the Chinese Army of the Japanese Army --
4 by the Chinese Army?

5 A It was an incident that happened at night-
6 time at the west gate of Peiping. In the darkness
7 a Japanese truck was coming into the city gate and
8 fighting started. The story was that a hand grenade
9 was thrown at the truck. I was there at the time
10 and there was great confusion. No one seemed to
11 know exactly what had happened or actually what was
12 happening.

13 Q Are you aware of the fact that by that
14 attack Major SAKURAI, Tokutaro was wounded and one
15 of the interpreters was killed?

16 A That is true. Major SAKURAI, as I under-
17 stand it, jumped from the city wall to the ground
18 which is quite a height, twenty-five to thirty feet.

19 Q Are you aware of the fact that the passage
20 of the motor truck through Kuang An Men Gate was
21 done following the conclusion of an agreement between
22 Chin Teh-chun -- with Chin Teh-chun?

23 A The situation then was tense even if the
24 armistice did continue. There were Japanese troops
25 facing Chinese troops, Japanese troops being

GOETTE

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1 reinforced all the time in the area around Wangping.

2 Q Mr. Witness, are you acquainted with General
3 Chin Teh-chun?

4 A To my knowledge I have never spoken with
5 General Chin Teh-chun. I may have seen him at
6 formal ceremonies when he was mayor of Peiping.

7 Q Are you aware of the fact that on the 27th
8 of July the bulk of the 27th Division of the Chinese
9 Army attacked Feng Tai?

10 THE MONITOR: "Attacked Japanese forces at
11 Feng Tai."

12 A I didn't know it was the 27th Division.
13 I didn't know it was the bulk. I knew there again
14 that it was an incident at Feng Tai.

15 Q At that time was General Chin Teh-chun
16 operating in accordance with orders from General-
17 issimo Chiang Kai-shek?

18 A I have no way of knowing what his relations
19 with the President of China were.

20 Q Are you aware of the fact that on the 29th
21 of July more than three hundred Japanese, including
22 women and children, were raped and murdered at
23 Tung Chow?

24 THE MONITOR: Just a minute. "Are you
25 aware of the fact that on the 29th of July Japanese

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1 residents, including old, young, and women, more
2 than three hundred in number, were raped and
3 massacred by Chinese forces at Tung Chow?

4 A Personally I am aware of this. On that
5 day the Japanese Embassy told me there had been
6 trouble at Tung Chow. I went to Tung Chow, the
7 vicinity, and watched Japanese airplanes flying
8 about, dropping bombs. I saw the artillery bursts
9 and I heard the firing inside the city. Within
10 sight of Tung Chow I personally spoke with one of
11 the Chinese gendarmes who formed that guard in
12 East Hopei, the East Hopei Anti-Communist Autonomous
13 Regime. This was one of the gendarmes recruited
14 and armed by the Japanese. That gendarme had been
15 wounded. I took him in my car back to the gates
16 of Peiping. He explained in the course of that day
17 that the gendarmerie of East Hopei had revolted
18 against their Japanese officers, staged an attack
19 on the Japanese garrison -- Japanese Army garrison --
20 inside the city of Tung Chow. It required several
21 days before I could secure from the Japanese
22 Embassy in Peiping and the Japanese Army their
23 estimate of how many Japanese women, children and
24 men had been killed in that revolt at Tung Chow.
25 The walled city of Tung Chow remained sealed to all

GOETTE

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1 outsiders for practically one week. The first day
2 the gates were opened I went into Tung Chow with
3 the Japanese Suzuki Detachment, an army force,
4 and I went in with them and I saw the destruction
5 that was the result of that battle between the
6 Chinese puppet gendarmes and the Japanese Army
7 garrison in Tung Chow.

8 MR. HAYASHI: That is all, Mr. President.

9 THE PRESIDENT: Major Blakeney.

10 CROSS-EXAMINATION (Continued)

11 BY MAJOR BLAKENEY:

12 Q Mr. Witness, you have stated in your
13 testimony relative to the Ho-UMEZU Agreement that
14 after the enactment of that agreement the provincial
15 capital of Hopei Province was removed from Tientsin
16 elsewhere. Do you mean to say that that was a
17 result of, or was in accordance with the terms of
18 the Ho-UMEZU Agreement?

19 A As the Chinese explained it to me, that
20 was tied up with the Japanese insistence that the
21 army force of General Yu Hsueh-chung, the then
22 provincial governor of Hopei, be removed from the
23 Peiping area.

24 Q But what I wish to understand is, Mr.
25 Witness, whether that Japanese insistence which

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1 you mention is, according to your belief, one of the
2 terms of the Ho-UMEZU Agreement?

3 A I cannot personally testify to any of the
4 terms. I can only testify as to what the Chinese
5 officials that I had contact with said and the
6 results that I observed thereafter.

7 Q Among those results you have said was the
8 withdrawal southward of various Chinese military
9 detachments; but you have also said that other
10 Chinese troops moved into the area so vacated by
11 the Japanese. Can you tell the Tribunal approxi-
12 mately how many Chinese troops were in the Tientsin-
13 Peiping area immediately after the execution of the
14 Ho-UMEZU Agreement?

15 A It was not a matter of the Chinese replacing
16 the two armies that were withdrawn from the Peiping-
17 Tientsin area; the armies of Shang Chen and Yu
18 Hsueh-chung. They were moved southwards. Then
19 there remained the army of General Sung Che-yuan
20 in Peiping and the army of General Chang, I think
21 it was, in Tientsin.

22 THE PRESIDENT: We will adjourn now until
23 half-past one.

24 (Whereupon, at 1200, a recess was
25 taken.)

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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at
1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Major Blakeney.

J O H N G O E T T E, called as a witness on behalf
of the prosecution, resumed the stand and testi-
fied as follows:

BY MAJOR BLAKENEY (Continued):

Q Mr. Witness, do you know the strength of
the 29th Army under Sung-Che-yuan at the time of
the Ho-UMEZU Agreement, concerning which you have
testified?

A Without any official knowledge, I would
estimate it around 25,000.

Q And do you know it to be a fact that the
strength of the Japanese garrison in this area was
between 1500 and 2,000?

A If you mean the Peiping area, not including
Tientsin, that would probably be a fair estimate.

What estimate would you give including
Tientsin?

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1 A I don't feel that with any fairness I could
2 give an estimate that would be of any value to anyone.
3 It would probably be within 10,000 but that is pure
4 guess-work.

5 THE PRESIDENT: How is the relative strength
6 of the opposing armies material, Major?

7 MAJOR BLAKENEY: I thought, sir, that it would
8 go to the value and, if I may say, to the plausibility
9 of the Japanese threats and warnings issued in this
10 region apparently backed up by military force.

11 THE PRESIDENT: Well, we know where they
12 got eventually.

13 MAJOR BLAKENEY: Yes, sir. But my client,
14 General UMEZU, is not concerned with eventualities
15 but with the Ho-UMEZU Agreement. However, I had
16 proposed to leave that point at this time.

17 Q Mr. Witness, General Sung-Che-yuan, Chairman
18 of the Hopei-Chahar Political Council was appointed
19 to that office by Generalissimo Chiang Kai-shek?

20 A That is true.

21 Q He was, therefore, the representative in
22 that area of the Central Government?

23 A Part of the time Ho Ying-ch'in, the Chinese
24 Minister of War was there, General Sung-Che-yuan
25 was the Chairman of this provincial commission, as

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1 you say.

2 Q You have stated that, as one of the results
3 of the Ho-UMEZU Agreement, the 32nd Army was with-
4 drawn to the south. I ask you whether it was not in
5 fact the 51st Army that was withdrawn to the south?

6 A As I recall, General Shan-Chen was commander
7 of the 32nd Army which was withdrawn south. The
8 number of General Yu-Hsueh-Chun's Army I don't recall,
9 if I ever knew.

10 Q General Shan-Chen actually was one of the
11 subordinates -- I am sorry -- General Shan-Chen
12 actually was one of the subordinates of General
13 Sung Che-yuan, was he not?

14 A He naturally had inferior rank to General
15 Sung Che-yuan who was Chairman of the Council.

16 Q I wish to be clear about this. You remain
17 unable to state that these withdrawals southward of
18 armies, of provincial capitals, and the other incidents
19 which you have referred to, were or were not embodied
20 as terms in the UMEZU-Ho Agreement?

21 A I can state positively that the Chinese
22 officials told me those three steps were the result
23 of that agreement.

24 Q I am sorry, but I am forced to press you.
25 I have asked repeatedly whether you do or do not know

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22 officials told me those three steps were the result
23 of that agreement.

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25 I have asked repeatedly whether you do or do not know

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1 whether those things were terms embodied in the
2 agreement. You have answered that they were results
3 of the agreement.

4 THE PRESIDENT: In fairness to the witness,
5 it must be said that he has already affirmed that he
6 does not know what was in that Agreement.

7 MAJOR BLAKENEY: If he has, I am content.

8 Q The Ho-UMEZU Agreement was one of the im-
9 portant events, was it not, of the decade of the
10 '30's in North China?

11 A It was.

12 Q Then I ask you whether it isn't a strange
13 thing that the dean of correspondents in North China,
14 a man specially qualified as an expert on military
15 and political affairs of that area, a man in touch
16 with numerous official Chinese sources -- your word --
17 should not know the terms of that agreement?

18 THE PRESIDENT: That doesn't call for an
19 answer. It is purely a matter for comment later.

20 Q Do you know what General UMEZU's official
21 position was at the time of this agreement?

22 A I presume General UMEZU was there on a
23 special mission for the Japanese Army.

24 Q But you are quite sure that General Ho was
25 then, at that time, Minister of War of China?

GOETTE

CROSS

1 A I am.

2 Q I call your attention to your testimony that
3 Chinese officials told you that they were under
4 Japanese threat of full military occupation of the
5 area unless they acceded to the demand for this agree-
6 ment. I am still, of course, referring to the Ho-
7 UMEZU Agreement. Who made those threats?

8 A I don't know personally. I only know when
9 the Chinese referred to the Japanese they meant the
10 group of Japanese, whoever they were, who were
11 bringing that pressure on.

12 Q You can't give us even one name of those
13 Japanese?

14 A By the nature of these things, they weren't
15 formal negotiations, it was under cover, and those
16 Japanese wouldn't admit it, the Japanese spokesman
17 wouldn't admit it, and the Chinese were not very
18 anxious to admit things either. They merely referred
19 to the Japanese group that was working on them.

20 Q Can you tell the Tribunal to whom the threats
21 were made?

22 A It is my presumption that the threats were
23 made to the man who officially signed the Agreement.

24 Q You are, of course, acquainted with General
25 Ho Ying-chin?

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1 A I am.

2 Q Did you ever discuss the matter with him?

3 A In the course of 1935 I discussed the
4 general situation, which was then Japanese pressure
5 upon North China, with General Ho Ying-chin.

6 Q But even in the course of those discussions
7 he didn't tell you who made what threats to him?

8 A It wouldn't be in the nature, certainly of
9 the Chinese official under pressure at that moment
10 to reveal to a correspondent what was being said to
11 him.

12 Q I take that to mean "no."

13 A That is right.

14 Q Mr. Witness, you have stated that you came
15 specially from the United States to testify in this
16 trial, is that correct?

17 A That is correct.

18 Q What pay are you receiving during the period
19 that you are in attendance upon this Tribunal?

20 THE PRESIDENT: I venture to say that the
21 answer won't be of any assistance to the Tribunal
22 and that they don't desire it.

23 MAJOR BLAKENEY: If your Honor feels that
24 way, of course I withdraw the question. But I should
25 like to say that in our practice in the United States

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1 we feel that there is no more important method of
2 impeaching a witness than to show his interest in
3 the matter.

4 (Whereupon, Mr. Keenan made a remark
5 which could not be understood due to the fact
6 that Major Blakeney's statement was, at the
7 same time, being interpreted into Japanese.)

8 THE PRESIDENT: Now, on the question of
9 interest, undoubtedly you can show a witness' interest
10 in order to prove bias, but you must have some facts
11 on which to suggest that he has a special interest.
12 If Major Blakeney can tell me that this witness has
13 a special interest because of any payment that is
14 being made, I shall allow him to ask the question.

15 MAJOR BLAKENEY: I didn't complete my
16 sentence before I was interrupted. I repeat, there-
17 fore, that in the United States, your Honor, it is
18 our universal practice to attempt to prove payment
19 to witnesses of more than the ordinary witness fee
20 to show a pecuniary interest of the witness in testi-
21 fying.

22 THE PRESIDENT: The pecuniary interest in
23 that sense must rise out of the result of the pro-
24 ceedings. You surely don't suggest that this is a
25 case of payment by results. If you do, you may ask

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1 the question.

2 MR. WARREN: If the Tribunal please.

3 THE PRESIDENT: Colonel Warren.

4 CROSS-EXAMINATION (Continued)

5 BY MR. WARREN:

6 Q Mr. Goette, you stated that you were the
7 dean of the newspaper correspondents in Northern
8 China. Will you tell us whether that is an honorary
9 title conferred on you by the members of your
10 profession?

11 THE PRESIDENT: We all know what it means
12 and we know it isn't conferred. There is no College
13 of Journalists.

14 MR. WARREN: If the Tribunal please, they
15 attempted, by their questioning of this witness, to
16 increase his credibility by showing he was the dean
17 of the correspondents in Northern China. I merely
18 wanted to go into it to see whether such fact was
19 true. However, I will proceed.

20 THE PRESIDENT: D-o-y-e-n is what they
21 mean, I think.

22 Q Mr. Goette, after the Nanking Incident of
23 February 1, 1932, and which you described the bombard-
24 ment or rather you stated you heard of the bombardment
25 of Nanking by the Japanese, will you tell the Tribunal

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1 whether the Japanese made any attempt at that time
2 to occupy the City of Nanking?

3 A They did not.
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1 Q Is it not also true that only four years
2 before, in 1927, the British and American warships bom-
3 barded Nanking for some several hours?

4 MR. KEENAN: If the Court please, the prose-
5 cution objects to that question on the ground that it
6 has no relationship to the testimony offered in chief,
7 is before the period of time in inquiry, and is not
8 relevant to any of the issues in this case.

9 MR. PRESIDENT: The pattern arises out of the
10 examination in chief.

11 MR. WARREN: I will withdraw the question,
12 your Honor.

13 Q Mr. Goette, you made several references to
14 General DOHIHARA in your direct testimony. How many
15 times did you ever talk with General DOHIHARA in your
16 lifetime?

17 A Twice.

18 Q Was that on the two occasions where you, to-
19 gether with other correspondents, went to interview
20 him at a press interview?

21 A That is correct.

22 Q Then I take it, Mr. Goette, that you have
23 absolutely no personal knowledge of any kind concerning
24 General DOHIHARA or his actions, other than what you
25 heard at those press conferences; is that correct?

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1 THE PRESIDENT: Well, we will assume that.

2 MR. KEENAN: If the Court please, I object,
3 and ask that the question be reframed to leave out an
4 ambiguity. The word "personal knowledge" is asked --
5 the question is asked about personal knowledge. If
6 the question means what he saw or what he heard from
7 someone else we have no objection. But we think that
8 the witness would be confused by the question being
9 asked, of his personal knowledge, unless that is made
10 more clear in the question.

11 THE PRESIDENT: We assume that the only
12 knowledge he has of DOHIHARA is what he has told us
13 already.

14 MR. WARREN: If the Tribunal is satisfied
15 then I am satisfied. This witness has indicated by
16 his actions that he has a full and complete knowledge
17 of things of which apparently he has no knowledge. And
18 that is all I wanted to do. If the Tribunal is satis-
19 fied, then I am, sir. Thank you.

20 THE PRESIDENT: Mr. Smith.

21 CROSS-EXAMINATION (Continued)

22 BY MR. SMITH:

23 Q Mr. Goette, about three weeks ago en route
24 from this building to the Dai Iti Hotel in Tokyo, I
25 ask you whether or not you told me that if all the

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1 facts in this case were brought out as you know them,
2 that there was plenty of justification for everything
3 that the Japanese did in China and Manchuria?

4 THE PRESIDENT: That is a quaint line of
5 attack. But go on.

6 MR. SMITH: May the witness answer, your
7 Honor?

8 THE PRESIDENT: Well, I do not know whether
9 he meant political or legal justification. We are
10 concerned about legal justifications. We are not a
11 political body. We are a body of lawyers. We have
12 no interest in the witness' political views.

13 MR. SMITH: If the Court please, there had not
14 been anything in the question to suggest that I am
15 talking about politics, and certainly this is cross-
16 examination and a preliminary question.

17 THE PRESIDENT: In any event he cannot swerve
18 the issue and you ought to know that.

19 MR. SMITH: I am not asking the witness to
20 forswear the issue, and I do not want to prolong this
21 discussion with your Honor. As I have said, it is
22 purely a preliminary matter. I would like to go into
23 it and find out what he meant by the statement.

24 THE PRESIDENT: How does it arise out of his
25 examination in chief which is confined to facts and

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1 not to opinions?

2 MR. SMITH: If your Honor please, Mr. Keenan
3 went to great lengths in the early part of his direct
4 examination to qualify this witness as an impartial
5 research expert in these matters.

6 THE PRESIDENT: What opinion did he express from
7 which you can say this cross-examination arises?

8 MR. SMITH: If your Honor please, this all
9 goes to the credibility of the witness. I am not
10 tying it in any specific thing he has mentioned today.
11 Every national court I have ever heard of would permit
12 this question, in my opinion, even in a narrow view of
13 evidence.

14 THE PRESIDENT: We have adopted a rule here
15 that we will limit cross-examination to matters
16 arising out of the examination in chief. That rule has
17 its origin in American courts. If we allowed unlimited
18 cross-examination as to credit it would destroy that
19 rule. Cross-examination as to credit is allowable
20 consistently with that rule.

21 MR. KEENAN: With great respect to this
22 Tribunal, as chief of counsel for the prosecution, I
23 must frankly state to this Court that I believe this
24 question would be admitted in all of our courts, runs
25 to the heart of this witness' testimony, and we of the

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1 prosecution, with great respect to the Court, would
2 like to have its indulgence and have the question as
3 put by this counsel answered.

4 THE PRESIDENT: We are not going to allow our
5 rules to be altered even by chief of counsel. If
6 chief of counsel is actuated by considerations of
7 expediency, we are not. If my colleagues disagree
8 with me I will allow the question.

9 By a majority, the Court allows the question
10 to be asked.

11 MR. KEENAN: With great respect the chief of
12 counsel replies to the President that his action was
13 motivated solely in the interests of a fair trial and
14 not in the interests of expediency; otherwise we had
15 hoped the question never would arise.

16 THE PRESIDENT: Likewise, the action of every
17 Member of this Court is actuated or motivated by con-
18 siderations of a fair trial.

19 MR. SMITH: Will the witness answer the ques-
20 tion?

21 THE WITNESS: May I have that quotation given
22 to me again, since you are quoting me in exact words,
23 please?

24 MR. SMITH: Will you read the question to the
25 witness?

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1 (Whereupon, the question was read by
2 the official court reporter as follows:

3 "Q Mr. Goette, about three weeks ago
4 en route from this building to the Dai Iti Hotel
5 in Tokyo, I ask you whether or not you told me
6 that if all the facts in this case were brought
7 out as you know them, that there was plenty of
8 justification for everything that the Japanese
9 did in China and Manchuria?"

10 A I never at any time, to you or to anyone else,
11 said that there was such justification as you phrased
12 that question. I have written perhaps a million words
13 from the Manchurian situation to date. I have written
14 a book. I have talked perhaps 500 times to audiences
15 in the United States. I have been on the radio. And
16 never would you find anything in any of that that
17 would justify such a statement as you have just
18 accredited to me.

19 Q Do you recall the fact that in an army sedan
20 you rode with me and Mr. Parkinson, of the prosecution
21 staff, to the Dai Iti Hotel about three weeks ago?

22 A I do.

23 Q You were introduced to me at that time simply
24 as a newspaper man, and there was no information in the
25 early part of the conversation that you were going to

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1 be called as a witness in this case, is that right?

2 A I don't remember how we were introduced at
3 all.

4 Q Do you remember telling me that you were on
5 the spot when all these things happened in China and
6 Manchuria?

7 A I honestly don't remember what we talked about,
8 except that we talked about nothing seriously, surely.

9 Q In that same conversation, did you also tell
10 me that you well might be called as a defense witness
11 in this trial?

12 A I remember that we talked about -- you were
13 introduced as a defense lawyer and we talked about
14 defense problems.

15 Q Suppose you tell me what that conversation was
16 about the defense problems.

17 A Well, I can frankly say that until you got
18 up I don't remember having seen you before, it made
19 that much impression on me. We had a car and you rode
20 with our car and we gossiped along. I don't remember
21 anything beyond that. I would have said that I hadn't
22 seen you before.

23 Q Do you deny that you made a statement that
24 there was justification for the Japanese action in China
25 and Manchuria on that occasion?

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1 A I deny that because I could not have felt it
2 then, I do not feel it now, and I never at any time
3 had any such feeling.

4 THE PRESIDENT: Have you had enough denials?

5 MR. SMITH: It is not only that, your Honor.
6 It involves me, personally. I am willing to take the
7 witness stand and if necessary I would call Mr. Par-
8 kinson as to what was said at the time.

9 MR. KEENAN: We consent to that, your Honor.

10 THE PRESIDENT: It is obvious where it is
11 going to lead you.

12 MR. SMITH: I am willing to take the stand
13 at any time the Court wants to hear me on that subject.

14 THE PRESIDENT: There is nothing to prevent
15 one of the defendants calling you later.

16 MR. SMITH: If the Court please, I should
17 like to go on to another subject.

18 Q Mr. Goette, did you know Mr. Henry Pu-Yi
19 very well in 1931?

20 A I did not see Pu-Yi in 1931.

21 Q When is the first time you ever met him, if
22 you did at all?

23 A In Peiping, 1924, I attended the wedding
24 of Henry Pu-Yi.

25 Q And you knew the other members of his family

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1 quite well, too, is that right?

2 A I knew his brother and his sister-in-law.

3 Q When was the last time before 1931 that you
4 saw Henry Pu-Yi?

5 A Probably I had not seen him since 1924.

6 Q Had you kept up with his activities by repu-
7 tation after 1924?

8 A He was a colorful figure and newsworthy, so
9 when events of importance happened to him I naturally
10 covered such stories.

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1 Q Would you say he was a highly intelligent
2 man and an educated man?

3 A I did not know him well enough to pass on
4 his intelligence. I know that he was educated because
5 I was acquainted with Mr. Reginald Fleming Johnson,
6 a great British Sinologue, who was his tutor for a
7 good number of years.

8 Q Would you say he was a man of good ability?

9 MR. KEENAN: I object, your Honor, to this
10 question as being neither relevant to any of the
11 issues nor permissible under the scope of the cross-
12 examination; and if we continue an analysis of the
13 various puppet rulers on this scale in cross-examina-
14 tion, we will never terminate this case. I object
15 to it.

16 THE PRESIDENT: Objection allowed.

17 MR. SMITH: May I be heard in defense of
18 my own question, your Honor?

19 THE PRESIDENT: It is obviously a question
20 which cannot be allowed.

21 MR. SMITH: I have nothing further.

22 MR. NARITOMI: I am NARITOMI, Nobuo, counsel
23 for the defendant SHIRATORI.
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CROSS-EXAMINATION (Continued)

BY MR. NARITOMI:

Q A while ago, Mr. Witness, you stated that you met SHIRATORI in Peiping in 1940. Was that in the spring of that year or in the fall?

A I stated that I presumed it was some time in 1940.

Q Was it cold then or warm?

A I do not remember. Mr. SHIRATORI was either on his way from or to his post in Rome.

MR. NARITOMI: I wish to call the Tribunal's attention to document No. 125 in which SHIRATORI's biographical record is set forth. According to that record, SHIRATORI reached Tokyo, that is, returned from Rome to Tokyo, in December, 1939; and I wish to refresh the memory of the witness on this point that it was after he had returned from Rome.

Q After SHIRATORI returned from Rome -- after he returned to the Foreign Office from Rome, he resigned from official service, and it was in that capacity that he went to Peiping at that time. Do you recall that? That is, he was placed on the waiting list, and it was in that status that he went to Peiping. Do you remember that?

A I don't know the circumstances under which

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1 he went to Peiping. I know that he did receive me
2 and the foreign correspondents as a member of the
3 Japanese diplomatic service. Whether he was on
4 a waiting list or not, we were not told.

5 Q Do you know whether or not SHIRATORI went
6 to Peiping on official business or with an official
7 mission?

8 A Again I can only state that we were in-
9 vited to interview Mr. SHIRATORI, a member of the
10 Japanese diplomatic service.

11 Q Where was the locale of this interview in
12 Peiping?

13 A As I recall it, it was in the Grand Hotel,
14 the Wagon Lit.

15 Q Was the discussion at that time simply
16 informal chatting, as it were?

17 A Yes, it was an informal interview.

18 Q In the course of the interview, according
19 to your previous testimony here, you said that the
20 subject of co-prosperity was brought up and that you
21 testified that SHIRATORI had said that a new word in
22 English might be coined with respect to this word;
23 a more appropriate word ought to be coined. Now,
24 did co-prosperity regard the United States and
25 Britain as enemies? Did the word "co-prosperity"

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1 imply that the United States and Britain were
2 enemies, in your understanding?

3 A To begin with, that is not what I testified.
4 I testified that Mr. SHIRATORI said what we needed
5 was a new dictionary of the English language to
6 cover the meaning of English words as they were
7 being used by Japan. This was to the general use
8 of words, not specifically to "Co-Prosperity Sphere."

9 Q Then may it be interpreted that the word
10 "co-prosperity" as used by SHIRATORI at that time
11 was, in your understanding, not to be construed as
12 considering the United States and Britain as
13 enemies?

14 A The word in that case was connected to the
15 Co-Prosperity Sphere of Greater East Asia. That's
16 what we were talking about. We were not discussing
17 America and Britain.

18 Q In a previous testimony, Mr. Witness, you
19 said that some Chinese -- there were not a few
20 Chinese who approved of the idea of co-prosperity.
21 Now, from that alone, couldn't it be said that the
22 word "co-prosperity" had a very peaceful intent --

23 THE MONITOR: Slight correction: "Some
24 Chinese" should read "considerable number of
25 Chinese."

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1 Q (Continuing) that co-prosperity had a peace-
2 ful purpose?

3 A I am not aware of testifying that a consid-
4 erable number of Chinese agreed with co-prosperity.

5 Q Didn't you say, Mr. Witness, that SHIRATORI
6 had told you that?

7 A Oh, that's another matter. What Mr. SHIRA-
8 TORI said about the number of Chinese agreeing with
9 co-prosperity and what I found to be the case are
10 two different things.

11 Q Now, may I straighten it out? What I said
12 was, SHIRATORI told you that a considerable amount
13 of Chinese had approved of the idea and that the
14 word as used by SHIRATORI meant that it was meant
15 for peaceful purposes. Did you not interpret the
16 term as such?

17 A Is the term "sincere" or "co-prosperity"?
18 We are getting slightly confused here.

19 THE PRESIDENT: We will recess now for
20 fifteen minutes.

21 (Whereupon, at 1445, a recess was
22 taken until 1500, after which the proceed-
23 ings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.
3 BY MR. NARITOMI (Continued):

4 Q I wish to put together more **succinctly what**
5 I would like to ask the witness. Did not SHIRATORI
6 tell the witness -- to you, Mr. Witness -- that there
7 were -- that some Chinese did not hesitate to agree
8 to or approve of the co-prosperity idea, and that he
9 had told you, Mr. Witness, that is, Mr. SHIRATORI
10 had told you, Mr. Witness, that he would like to find
11 some word in the English language which would convey
12 that term more clearly to Americans and British?

13 A That is not the way I understood Mr. SHIRA-
14 TORI.

15 Q Then, from your knowledge, what did SHIRATORI
16 tell you?

17 THE PRESIDENT: He has already told us that.

18 Q Since when do you know SHIRATORI?

19 A I have known Mr. SHIRATORI as a junior secre-
20 tary of the Japanese Embassy in Peiping in the early
21 1920's.

22 Q Do you think, Mr. Witness, that Mr. SHIRATORI
23 has since that time been a peaceful diplomat?

24 THE PRESIDENT: You need not answer.

25 Q When you met Mr. SHIRATORI in Peiping did you

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1 consider him then as an old acquaintance?

2 A He was the Japanese official, first and fore-
3 most, a man I had known in the past many years before,
4 and not seen in the meantime.

5 Q I am asking your impression, Mr. Witness;
6 your impression of this meeting with Mr. SHIRATORI.

7 A Well, I think I testified to that impression.

8 THE PRESIDENT: You need not answer further.

9 MR. NARITOMI: That is all.

10 THE PRESIDENT: Captain Kleiman.

11 CROSS-EXAMINATION (Continued)

12 BY CAPTAIN KLEIMAN:

13 Q Mr. Goette, you testified that at the time
14 the East Hopei Autonomous Government was formed there
15 were a few communists in East Hopei. Will you please
16 advise the Tribunal what portions of China at that
17 time had been under communist control, or a communist
18 sphere of influence?

19 A I am not qualified by personal experience
20 to say. I only know what the reports were, and that
21 was the area down south of the Yangtse River at that
22 time.

23 Q And were not the Chinese communists reaching
24 northward in their move?

25 MR. KEENAN: If the Court please, the

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1 prosecution objects to this line of interrogation
2 as being without the issues of this case. This
3 witness was asked a question about the anti-comin-
4 tern or anti-communistic government, and the point
5 of the question and the testimony was that he was
6 informed that there were not any communists in that
7 particular area. I object to having questions pointed
8 towards the composition of various parties in China
9 from this witness's testimony as being irrelevant
10 and immaterial and outside the scope of the examina-
11 tion in chief.

12 THE PRESIDENT: Captain Kleiman, how is it
13 relevant?

14 CAPTAIN KLEIMAN: It was my desire to show
15 that that autonomous anti-communist government was
16 formed to prevent the spread of communism in that area;
17 that such communistic action was to the detriment of
18 Japanese nationals in China and Japanese investments
19 in China.

20 THE PRESIDENT: I do not think you can be
21 heard twice on an objection, Mr. Chief Prosecutor.

22 MR. KEENAN: I am objecting -- I am asking
23 the question, if the Court please, if it is contended
24 that --

25 THE PRESIDENT: No, you cannot be heard twice;

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1 you ought to know that.

2 MR. KEENAN: I am asking a question about the
3 issues of relevancy that are being raised in this case.

4 THE PRESIDENT: You cannot be heard twice,
5 I tell you. Unless my colleagues disagree with me, I
6 will prevent you from being heard twice.

7 MR. KEENAN: I would like to have the purpose
8 of my inquiry to the Court clearly understood before
9 a ruling is made by the Court. Although there has
10 been no opening statement made, as provided by the
11 Charter, by the defense, and the prosecution doesn't
12 know what the contention of the defense is, I want to
13 know if --

14 THE PRESIDENT: I think you are trying to talk
15 me down.

16 MR. KEENAN: I beg your pardon.

17 THE PRESIDENT: You cannot be heard twice
18 unless my colleagues agree to hear you twice. If they do
19 I shall gladly abide by their decision.

20 We will adjourn for the consideration of this
21 point.

22 (Whereupon, at 1516, a recess was
23 taken until 1527, after which the proceed-
24 ings were resumed as follows:)
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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 THE PRESIDENT: The Tribunal declines to
4 allow the Chief Prosecutor, or any other counsel, to
5 argue his objections twice.

6 Proceed with your argument, Captain Kleiman.
7 There is one dissident.

8 CAPTAIN KLEIMAN: It was my desire to show
9 that it was necessary for Japanese army units to be
10 sent to the East Hopei Region to protect the Japanese
11 nationals and investments from activities of the
12 communists there; that this action was taken by
13 residents of the East Hopei Region voluntarily because
14 of their dissension with the views of the communists;
15 that at the same time Chiang Kai-shek was fighting
16 against the communists in China.

17 THE PRESIDENT: Have you finished?

18 CAPTAIN KLEIMAN: Just one more statement,
19 if it please the Tribunal: That this witness by his
20 statement that there were few communists in East Hopei
21 left an inference that there were few communists in
22 that region, and that the communists were right at
23 Chinan, outside the region of Hopei and creeping into
24 Hopei.

25 THE PRESIDENT: The witness has testified

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1 as to the extent of the communists activities within
2 hiw knowledge, and in any case the question exceeds
3 the scope of the examination in ohief, and is dis-
4 allowed.

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1 CAPTAIN KLEIMAN: Yes, your Honor. At
2 this time --

3 THE PRESIDENT: The question is disallowed.

4 CAPTAIN KLEIMAN: Yes, your Honor. At this
5 time I wonder if I can ask the Tribunal if I could
6 ask two or three questions not directly connected
7 with the testimony given by this witness because of
8 the fact that the witness comes from the United States.
9 I make this request inasmuch as I desire to save ex-
10 pense for the Allied Powers and for the convenience
11 of this witness himself.

12 THE PRESIDENT: You can leave the question
13 of expense and of convenience to those most concerned,
14 Captain Kleiman. You may ask the witness any other
15 question within his knowledge.

16 CAPTAIN KLEIMAN: Yes, your Honor.

17 Q Mr. Goette, you testified that there were
18 Japanese propaganda associations operating in Japan.
19 Will you please tell us about whether there were in
20 China -- excuse me -- whether there were any Communist-
21 ic propaganda associations functioning at the same
22 time to the detriment of Japanese nationals and
23 Japanese investments in China and in Manchuria?

24 THE PRESIDENT: That question is struck by
25 the decision just given and is disallowed.

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1 Q Mr. Goette, you testified that a certain
2 Japanese person told you that certain Chinese persons
3 were willing to cooperate with Japan in China. Was
4 not in the year 1935 and 1936 Chiang Kai-shek one
5 of those Chinese?

6 A In those years China and Japan still had
7 their respective ambassadors in their respective
8 capitals. However, likewise in those years, negot-
9 iations being carried on at Nanking between Chiang
10 Kai-shek's government and the Japanese were very
11 troubled as shown by the fact that Japan perpetually
12 sent out and withdrew, sent out and withdrew her am-
13 bassadors. That to me does not look like cooperation,
14 to use that word, between Chiang Kai-shek and the
15 Japanese.

16 Q To your knowledge, did not Chiang Kai-shek
17 and the Nationalist Government of China desire to
18 peaceably settle the issue between China and Japan,
19 and were they not prevented from doing so by the
20 Chinese Communists?

21 MR. KEENAN: I want to object to that
22 question, but I do not want to argue it until I
23 hear the grounds to urge its relevancy so I can
24 answer without being required to anticipate the theory
25 of its presentation on the part of the defense.

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1 THE PRESIDENT: You should know on what
2 grounds it is objectionable without hearing the
3 other side. The mere fact that you object indi-
4 cates that you have grounds for objection, and you
5 should state them before the other side replies.
6 You do not get the right of the last word by such
7 a subterfuge.

8 MR. KEENAN: If the Court please, I am
9 not attempting to get the last word on anything,
10 but I am attempting, within the limits of my ability,
11 to protect the record in this case and to confine
12 the issues to relevant ones; and I object to this
13 question on the ground that it is not relevant to
14 any of the issues raised in the Indictment and is
15 not within the scope -- permissible scope of cross-
16 examination. Those are the grounds.

17 CAPTAIN KLEIMAN: If your Honor pleases,
18 as far as the issues of the Indictment are concerned,
19 the counts of the Indictment charge --

20 THE PRESIDENT: That is too broad. You
21 must confine yourself to the examination in chief.

22 CAPTAIN KLEIMAN: Yes, your Honor. This
23 witness testified that certain Chinese were willing
24 to cooperate with Japan. My question is so framed as
25 to ask him whether or not Chiang Kai-shek and the

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1 entire Nationalist Government was not willing to
2 make peace with and to cooperate with Japan
3 in the sense that he testified.

4 THE PRESIDENT: Where in the examination
5 in chief does he say anything that would admit
6 that question?

7 CAPTAIN KLEIMAN: Sir, the statement that
8 he referred to that a Japanese person told him
9 that certain Chinese were willing to cooperate with
10 Japan.

11 THE PRESIDENT: You may ask him who those
12 certain persons were, but you cannot ask him what
13 Chiang Kai-shek was prepared to do.

14 CAPTAIN KLEIMAN: All right, your Honor.
15 I will withdraw that question then, if it please
16 the Court.

17 Q Did you write an article concerning the
18 Chinese Communist's proclamation of war against
19 the Japanese in the year 1932 -- the proclamation
20 being issued at Kianghsi?

21 A I remember the article. I wouldn't
22 identify the time. It was some time about then,
23 after the Mukden Incident.

24 Q In such article did you not state that
25 after such proclamation of war against Japan, the

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1 Chinese Communists asked Chiang Kai-shek and the
2 National Government to proclaim war against Japan?

3 A If that is the way the story was published
4 by International News Service, that is the way I
5 sent it. I cannot verify it from my memory.

6 Q Did you also write an article about the
7 Sixth All-Country Conference held at Moscow in
8 the year 1935 wherein it was decided that warlike
9 actions should be taken by the Chinese Communists
10 against Japan and that anti-Japanese propaganda
11 should be strengthened against Japanese nationals
12 and Japanese investments in China and Manchuria?

13 MR. KEENAN: I object to that as being
14 without the scope of the direct examination and
15 according to the rulings of this Court inadmissible.

16 THE PRESIDENT: Are you going to argue it?

17 CAPTAIN KLEIMAN: No, your Honor, I will
18 not.

19 THE PRESIDENT: Objection upheld.

20 Q Mr. Goette, you testified that certain
21 elements of the Chinese Army were drilled by the
22 Japanese in China. At the same time were not cer-
23 tain elements of the Red Army in China drilled by
24 certain officers of the Soviet Army?

25 MR. KEENAN: The prosecution repeats the

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1 objection to this question on the same grounds as
2 the previous objection.

3 CAPTAIN KLEIMAN: I have no argument. I
4 am just waiting for the Court's ruling.

5 THE PRESIDENT: It is obvious that you are
6 now putting questions which you know you have no
7 right to put. The Court will not tolerate that
8 conduct in any counsel.

9 CAPTAIN KLEIMAN: If your Honor please,
10 I honestly did not know whether or not those questions
11 were relevant or not. They are not being done with
12 a knowledge that they are irrelevant. This witness
13 has testified that he knew general conditions in
14 China throughout the years that he testified about.
15 I thought perhaps with that testimony the Court
16 might consider those questions as relevant.

17 THE PRESIDENT: You did not think those
18 questions were even arguable. That is the best
19 answer to you.

20 CAPTAIN KLEIMAN: Then definitely the
21 other questions I have in mind would be considered
22 irrelevant. I will not question any further, and
23 there will be no further cross-examination by the
24 defense, may it please the Court. If your Honor
25 please, I am mistaken. I thought there was no other

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1 cross-examination; there will be some other de-
2 fense counsel questioning.

3 MR. LEVIN: Mr. President.

4 THE PRESIDENT: Mr. Levin.

5 CROSS-EXAMINATION (Continued)

6 BY MR LEVIN:

7 Q Mr. Goette, when you made your visit to
8 Tokyo on September 27th, 1937, was that for the
9 purpose of ascertaining the attitude of the Japan-
10 ese High Command with reference to the situation
11 in China?

12 A I think there is some confusion there.
13 I was in Peiping in North China in September, 1937.

14 Q I said "Tokyo." I said "Tokyo."

15 A I understand you, but I said I was in
16 Peiping in North China in September, 1937. I was
17 not in Tokyo.

18 Q You testified this morning, did you not,
19 that you were in Tokyo on September 27th, 1939?

20 A 1939, pardon me, I thought you said 1937.

21 Q Now, referring to that date, what was the
22 purpose of your visit in Tokyo at that time?

23 A The purpose of the visit at that time was
24 to find out what I could about Japanese policy,
25 Japanese plans for China from this side, having

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1 watched it in the field on the other side.

2 Q So you interviewed the leaders of the
3 Japanese Government here at that time, is that cor-
4 rect?

5 A I talked with certain officials, yes.

6 Q And were there other correspondents with
7 you at that time?

8 A If you refer to the interview with General
9 SUZUKI --

10 Q Yes.

11 A With me at that time was Mr. A. T. Steele,
12 correspondent of the Chicago Daily News.

13 Q Do you speak Japanese?

14 A I have already testified that I do not
15 speak Japanese.

16 Q I may not have heard it. How long was
17 your interview with General SUZUKI?

18 A I don't remember, possibly within a half
19 an hour or so. I don't remember that.

20 Q And what was his official position at that
21 time?

22 A We interviewed him in the offices of the
23 Planning Board.

24 Q Did you meet him at any time in China?

25 A Not to my knowledge.

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1 Q Do you know --

2 MR. LEVIN: Mr. President, this question may
3 possibly be beyond the scope of the direct examin-
4 ation, but I think it is only one question and re-
5 lates to the knowledge of this witness as to
6 General SUZUKI, his reputation among the Chinese
7 people, may I be permitted to ask the question?

8 THE PRESIDENT: The Court will not permit
9 the question, Mr. Levin.

10 Q Will you state now whether or not any-
11 thing that General SUZUKI stated in this interview,
12 he either confirmed, or whether or not you formed
13 any other **judgment** as to whether or not the war
14 with China would go on?

15 A I have stated that General SUZUKI said
16 that since they could not get Generalissimo Chiang
17 Kai-shek on the Japanese side, then the war would
18 have to go on.

19 Q I am asking you now whether or not your
20 **judgment** with respect to whether or not the war
21 between China and Japan would go on was changed by
22 the statement that General SUZUKI made to you?

23 MR. KEENAN: I shall have to object to that
24 question as being without the scope of the direct
25 examination.

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1 MR. LEVIN: It seems to me, your Honor,
2 the question is proper in view of the testimony of
3 the witness and in view of the interview of the
4 witness with the General. I want to ascertain
5 whether or not his judgment prior to the interview
6 with General SUZUKI was that the war would go on
7 in any event, and I think within that limit the
8 question is proper.

9 THE PRESIDENT: You are confined to
10 questions as to what passed at the interview. The
11 objection is upheld.

12 We will adjourn now until nine-thirty
13 on Thursday morning.

14 (Whereupon, at 1400, an adjournment
15 was taken until Thursday, 15 August, 1946,
16 at 0930.)

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